

## REMARKS

Claims 6-10 are pending in this application. Claim 6 was amended in this response. No new matter was introduced as a result of the amendments. Favorable reconsideration is respectfully requested.

Applicant kindly requests an Examiner's Interview to discuss the enclosed amendments and arguments. Applicant encourages the Examiner to contact the undersigned to arrange an appropriate time in which the interview may be effectively conducted.

Claim 6 was rejected under 35 U.S.C. §103(a) as being unpatentable over Fujioka (US Patent 6,907,227) in view of Fujita (JP 2002064512). Claims 7-10 were rejected under 35 U.S.C. §103(a) as being unpatentable over Fujioka (US Patent 6,907,227) in view of Fujita (JP 2002064512) and further in view of Manish (XP-000968001). Applicant respectfully traverses these rejections. Applicant's response presumes the rejection to "claim 5" (see page 4 of Office Action) is a typographical error, and that claim 6 was intended.

Regarding claim 6, the prior art, alone or in combination fails to teach or suggest the features of "switching the parked devices exceeding the maximum number into an active mode, according to a predefined strategy; continually switching active devices into a park mode according to the predefined strategy; and switching at least one further device, in addition to a minimum number of devices continually switched to the park mode, from an active mode device to a park mode." The present claims are directed to short-haul transceiver systems (e.g., Bluetooth™), where up to eight devices can be combined in a pico cell, into a piconet to allow communication among the devices. Conventionally, when there are more than 7 devices on a piconet, the devices exceeding the number 7 will be switched to a park mode. Also, according to a predefined strategy, parked devices will be switched to an active mode and active devices will be switched into a parked mode. However, one of the disadvantages of conventional systems is that, when a parked device is to be switched to an active mode, an active device first has to be switched to a parked mode. Such a configuration takes time, where the device requiring to be switched to active mode must wait for time to elapse before it can be switched to active. By arranging the switching/continual switching of active/park modes according to the predefined strategy, and switching at least one further device, in addition to the devices continually switched to the park mode, from an active mode device to a park mode, the delay times are minimized.

Fujioka discloses a conventional method of controlling wireless communication between a master terminal and slave terminals, including; a) establishing a connection between the master terminal and a predetermined maximal number of the slave terminals to have active slave terminals; b) identifying remaining unconnected slave terminals as inactive slave terminals in case a number of the slave terminals exceeds the predetermined maximal number; c) removing one of the active slave terminals from the connection to turn into an inactive slave terminal while establishing one of the inactive terminals for the connection with the master terminals in case the number of the slave terminals exceeds the predetermined maximal number; d) repeating the step c) until every one of the slave terminals is at least once connected with the master terminal; and e) communicating among the master terminal and the active slave terminals until a predetermined condition is met (col. 2, lines 13-30). As the Office Action concedes, Fujioka fails to teach that at least one further device will be switched to the park mode in addition to the minimum number of devices switched to the park mode (Office Action page 2, last line - page 3, line1).

In this regard the Office Action turns to Fujita for solving the alleged deficiencies. Applicant notes that Fujita's U.S. counterpart is US Patent 7,088,691 - accordingly, citations to Fujita in this Response will be directed to the US Patent.

Fujita discloses a Bluetooth network (FIG. 1), where a transmitting device "trumps" slave devices to allow for prioritized transmission (col. 1, lines 42-50). Under the disclosure of Fujita, the master device (camera 2) sets up a link with a slave device (printer 3). To establish priority, the master device (digital camera 2) performs a broadcasting process for priority use of the network for all the slave stations within the wireless communication network 1. Using this process, the master device informs the slave devices that the wireless communication network 1 is just going to be used for communication between the master device and the linked slave device (printer 3) with high priority (step 3, FIG. 2). Specifically, the master device sends each slave station a broadcasting message of transition to the park mode (notification of priority use of the network). Upon receipt of the broadcasting message, each slave station is moved to the park mode in which the slave station does not make a request for communication, thus limiting each slave station's use of the wireless communication network 1 (col. 2, lines 58-67). Since the master device has already had the negotiation process with the linked slave device (printer 3), the

linked slave will receive data from the master, and does not move to the park mode even upon receiving the broadcasting message of transition to the park mode (col. 3, line 1-10). After completion of the data transmission process, the digital camera 2 as the master station performs another broadcasting process to inform each slave station of release of the wireless communication network 1 (step S5), and it ends the operation process. Specifically, the digital camera 2 sends each slave station a broadcasting message of a request for return to a normal mode (notification of network release) to return each slave station from the park mode to the normal operating state (col. 3, lines 11-22).

Thus, Fujita does not disclose “switching at least one further device, in addition to a minimum number of devices continually switched to the park mode, from an active mode device to a park mode.” Under Fujita, the printer is not parked (see col. 2, lines 54-57), and all of the remaining devices are transitioned to a park mode (col. 3, line 1-4: “each slave station is moved to the park mode”). It follows that Fujita does not disclose a minimum number of devices, for the same reasons given above.

Applicant further submits that there is no apparent reason to combine *Fujita* with *Fujioka* in the manner suggested in the Office Action. Applicant respectfully submits that the Office Action has improperly piecemealed individual features from multiple references to arrive at the present rejection. “[A] patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art.” *KSR Int’l Co. v. Teleflex Inc.* 550 U.S. \_\_\_\_ (2007) (slip op. at 14). The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on Appellant’s disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). It is “impermissible to use the claimed invention as an instruction manual or ‘template’ to piece together the teachings of the prior art so that the claimed invention is rendered obvious.” *In re Fritch*, 23 U.S.P.Q.2d 1780, 1784 (Fed. Cir. 1992). “One cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention” *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988). “A factfinder should be aware, of course, of the distortion caused by hindsight bias and must be cautious of arguments relying on *ex post* reasoning.” *KSR v. Teleflex*, at 17.

Under Fujioka, the activation/parking of slaves is conducted in a manner to allow rule-based piconet connection in applications such as videoconferencing to provide efficient transmission among devices (col. 1, line 65 - col. 2, line 8). Fujioka deals with the connection limitations of Bluetooth (i.e., the number of slave device connections) by singularly removing specific slave terminals while establishing connections with other slave terminals (col. 2, lines 22-28). The process is repeated until certain conditions are met (col. 2, lines 29-30). In contrast, Fujita deals with an entirely different Bluetooth application, where all devices are transitioned to a park mode, except for the original slave linked by the master. There is no apparent reason why one skilled in the art would apply the teaching of Fujita to Fujioka, since the resulting combination would park all of the devices of Fujioka - which is expressly contrary to the teaching in Fujioka. For at least these reasons, Applicant submits the rejection is traversed and should be withdrawn.

In light of the above, Applicants respectfully submit that the present claims are allowable. An early Notice of Allowance is earnestly requested. If any fees are due in connection with this application as a whole, the Examiner is authorized to deduct such fees from deposit account no. 02-1818. If such a deduction is made, please indicate the attorney docket number (112740-1117) on the account statement.

Respectfully submitted,

BELL, BOYD & LLOYD LLC

BY

  
Peter Zura

Reg. No. 48,196

Customer No.: 29177

(312) 807-4208

Dated: August 7, 2007